IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO. 5344 OF 2004

Laxminarayan P. Kutkiri .. Petitioner

versus

Narayan N. Gadgi .. Respondent

...

Mr.I.M. Khairdi for the petitioner.

CORAM : D.G. KARNIK, J

DATED : 30th August 2004

P.C:-

1. Heard the learned counsel for the petitioner.

2. The learned counsel urges only the ground of reasonable and bonafide requirement in support of the petition. The trial Court as well as first appellate Court have not believed the petitioners case that he required the suit premises reasonably and bonafide requirement for his own use and occupation. The learned counsel submits that the petitioner needs the premises for expansion of his business. There is no

pleading in the plaint about the expansion of the business. The plaint even does not disclose the extent of the premises presently in use and occupation of the petitioner. Admittedly, the petitioner is in possession of a shop premises in the suit building, and the prermises in his occupation are not shown to be insufficient.

3. In these circumstances, the finding of fact recorded by the Courts below is a possible requiring no interference in exercise of a writ jurisdiction.

4. Petition rejected.

D.G. KARMIK, J